

**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

Philadelphia Office

One Oxford Valley Building, Suite 404
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(215) 741-3016

December 18, 2013

Sheraton at the Falls
Niagara Falls, New York

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-13-00011970
Document Number: W201432400004

The Enforcement Bureau's Philadelphia Office received information alleging that Sheraton at the Falls (Sheraton) in Niagara Falls, New York was operating radio transmitting equipment without a valid FCC authorization. On October 23, 2013, agents from the Philadelphia Office conducted an inspection of the radio transmitting equipment at the Sheraton in Niagara Falls, New York, and found that it was operating portable radio transmitters on the frequencies 465.000 MHz and 464.55 MHz without authorization. A review of the Commission's records showed that no license was issued to Sheraton for operating radio transmitting equipment on these frequencies in Niagara Falls, New York.

Radio transmitting equipment must be licensed by the FCC. You are hereby warned that operation of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended,¹ and may subject the responsible parties to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.² Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

¹ 47 U.S.C. § 301.

² See 47 U.S.C. §§ 401, 501, 503, 510.

UNLICENSED OPERATION OF THESE RADIO TRANSMITTERS MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules.³ This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

David C. Dombrowski
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

Attachment:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

³ 5 U.S.C. § 552a(e)(3).